

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0052

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to EDMUNDS–MISDEMEANORS.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-6-2 be amended to read as follows:

4 22-6-2. ~~Except as otherwise provided by law, misdemeanors~~ Misdemeanors are divided into  
5 two classes which are distinguished from each other by the following maximum penalties which  
6 are authorized upon conviction:

7 (1) Class 1 misdemeanor: one year imprisonment in a county jail or ~~one~~ two thousand  
8 dollars fine, or both;

9 (2) Class 2 misdemeanor: thirty days imprisonment in a county jail or ~~two~~ five hundred  
10 dollars fine, or both.

11 The court, in imposing sentence on a defendant who has been found guilty of a  
12 misdemeanor, shall order, in addition to the sentence that is imposed pursuant to the provisions  
13 of this section, that the defendant make restitution to any victim in accordance with the  
14 provisions of chapter 23A-28.

15 ~~Except in cases where punishment is prescribed by law, every offense declared to be a~~  
16 ~~misdemeanor and not otherwise classified, is a Class 2 misdemeanor.~~



1 Except in Titles 1 to 20, inclusive, 22, 25 to 28, inclusive, 32 to 36, inclusive, 40 to 42,  
2 inclusive, 47 to 54, inclusive, and 58 to 62, inclusive, if the performance of an act is prohibited  
3 by a statute, and no penalty for the violation of such statute is imposed by a statute, the doing  
4 of such act is a Class 2 misdemeanor.

5 Section 2. That § 16-12C-11 be amended to read as follows:

6 16-12C-11. A magistrate court with a clerk magistrate presiding has concurrent jurisdiction  
7 with the circuit courts:

8 (1) To accept defaults for petty offenses;

9 (2) To try contested cases involving a petty offense;

10 (3) To take pleas of guilty, not guilty, nolo contendere for any criminal offense; or

11 (4) To take pleas of guilty, not guilty, nolo contendere for violation of any ordinance,

12 bylaw, or other police regulation of a political subdivision;

13 if the punishment is a fine not exceeding ~~two~~ five hundred dollars or imprisonment for a period  
14 not exceeding thirty days, or both such fine and imprisonment and to impose sentence upon a  
15 plea of guilty or nolo contendere, which sentence shall be in accordance with § 23-1A-22 or  
16 schedules adopted pursuant to subdivision 16-2-21(8). However, if the offense or violation is  
17 not covered by said schedules, the magistrate court may impose a sentence of a fine as  
18 authorized by statute, ordinance, bylaw, or police regulation or ~~two~~ five hundred dollars,  
19 whichever is less. Acceptance of not guilty or nolo contendere pleas shall be in accordance with  
20 §§ 23A-7-2 and 23A-7-8, as applicable.